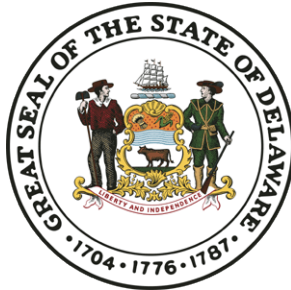


# State of Delaware



**Executive Department  
Dover**

**FIFTH MODIFICATION OF DECLARATION OF  
STATE OF EMERGENCY  
ENDING THE STATE OF EMERGENCY  
IN NEW CASTLE AND KENT COUNTIES**

WHEREAS, in connection with the imminent danger posed by Hurricane Sandy, I issued an Executive Order at 5:00 p.m. on October 27, 2012 declaring a State of Emergency for New Castle, Kent and Sussex Counties and ordering a mandatory evacuation of specified low-lying and coastal areas; and

WHEREAS, over the course of October 28, 2012, I issued three modifications to the Executive Order to require that businesses within the evacuation area close, to impose a Level 1 driving warning, and to announce a Level 2 driving restriction effective at 5:00 a.m. on Monday, October 29, 2012; and

WHEREAS, over the course of October 29, the severe post-tropical storm that resulted from Hurricane Sandy passed through Delaware, resulting in significant rainfall, high winds, and the loss of power for more than 40,000 Delawareans, all of which has contributed to treacherous road conditions; and

WHEREAS, Hurricane Sandy caused severe coastal and inland bay flooding in the low-lying areas in Sussex, Kent, and New Castle Counties, including a wash-out of Route 1 south of Dewey Beach and severe flooding through several Sussex County and Kent County coastal and bay beach communities; and

WHEREAS, the severe weather has abated, earlier today I lifted the Level 2 driving restriction and returned to a Level 1 driving warning, and the Evacuation Areas in New Castle and Kent Counties are now accessible to residents; and

WHEREAS, while weather conditions have improved, areas of severe flooding remain in Sussex County, including flooding in the bay beach communities, Bethany Beach, Fenwick Beach, and many communities on the inland bays, and many of those areas will remain inaccessible and inhospitable until water levels return to normal and clean-up activities have been undertaken; and

WHEREAS, some residents of New Castle, Kent, and Sussex counties remain housed in shelters by the American Red Cross, and those shelters will continue to provide housing services to persons displaced by this storm,

NOW THEREFORE, I, JACK A. MARKELL, pursuant to Title 20, Chapter 31 of the Delaware Code, do hereby declare that the previously issued executive orders shall remain in effect until further notice, with the following modifications:

1. The state of emergency due to Hurricane Sandy, first declared on October 27, 2012, and subsequently modified on October 28 and 30, 2012, is terminated for Kent and New Castle Counties, effective immediately. The state of emergency shall remain in effect in Sussex County.

2. The Level 1 Driving Warning for the State of Delaware implemented earlier today, Tuesday, October 30, 2012, is terminated, effective immediately.

3. The mandatory evacuation order implemented on October 28, 2012 remains in effect only in Sussex County at this time, and it shall remain in effect there until such time as

emergency officials in Sussex County authorize residents and visitors that it is safe to return to previously evacuated communities.

4. The mandatory closing of all businesses within the Evacuation Areas, implemented at 6:00 p.m. on Sunday, October 28, 2012, remains in effect only in Sussex County at this time, and it shall remain in effect there until such time as emergency officials authorize residents and visitors that it is safe to return to the previously evacuated community.

5. The Delaware Department of Transportation and the Delaware State Police, in consultation with the Delaware Emergency Management Agency and the Secretary of Safety and Homeland Security, may order such bridge and road closures as necessary to protect the health and safety of the public, and the public is advised that they should remain aware of road and bridge closures over the next several days, particularly in low-lying locations and Evacuation Areas.

6. Sheltering services for persons displaced from Evacuation Areas and other locations throughout the state shall continue to be provided under the direction of the emergency management officials and the American Red Cross.

7. Except as set forth above, all provisions of the previously issued Executive Orders shall remain in effect for Sussex County only. Those provisions include, but are not limited to, the following:

a. State and local officials may remove abandoned vehicles from roads at the expense of the vehicle owner; and

b. Notwithstanding the requirements of Chapter 47 of Title 21 of the Delaware Code, any utility driver engaging in the provision or restoration of utility services and any driver making food and fuel deliveries shall be exempt from the hours of service requirements of 49 C.F.R. Part 395 in its entirety.

8. Pursuant to 20 Del. C. § 3116(a)(11), the Delaware National Guard shall continue to provide necessary assistance to state and local authorities, at the discretion for the Adjutant General or his designee.

9. I hereby reserve the right to take, or direct state or local authorities to take, without issuance of further written order, any other necessary actions authorized by Title 20, Chapter 31 of the Delaware Code to respond to this emergency.

APPROVED this 30th day of October, 2012 at 5:00 p.m.

A handwritten signature in dark ink, reading "Jack Markell", is written over a horizontal line.

Governor

**EXHIBIT A**  
**EVACUATION AREAS**

In accordance with Paragraph 4 of this Order, persons located in the following areas (“Evacuation Areas”) were subject to mandatory evacuation and should remain outside of the Evacuation Areas until allowed to enter by county emergency officials.

**Sussex County**

***Sussex County Delaware Bay Communities***

Slaughter Beach

Prime Hook Beach

Broadkill Beach

Lewes Beach, east of the Rehoboth Lewes canal

***Sussex County Ocean Coastal Communities***

Flood-prone areas within  $\frac{3}{4}$  of a mile of the coast in the following communities:

Henlopen Acres

Rehoboth Beach

Dewey Beach

North Bethany

Bethany Beach

South Bethany

Fenwick Island

***Sussex County Inland Bay Communities***

Areas surrounding the Rehoboth Bay, Indian River and Little Assawoman Bay

Flood-prone areas south of Route 24 (John J. Williams Highway) including Angola, Long Neck and Oak Orchard

Flood-prone areas along Route 26 (Vines Creek Road and Atlantic Avenue)

Flood-prone areas along Route 54 (Lighthouse Road)

***Sussex County Western Communities***

Flood-prone areas in close proximity to the Nanticoke and Broad Creek Rivers